

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

**IN RE: ZIMMER NEXGEN KNEE
IMPLANT PRODUCTS LIABILITY
LITIGATION**

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) **MDL No. 2272**
)
)

This Document Relates to All Cases

**Master Docket Case No. 11 C 05468
Judge Rebecca R. Pallmeyer**

ORDER

Status conference convened on January 12, 2012 for the parties' scientific presentations.

The court enters the following further rulings:

- By agreement, Plaintiffs have implemented or will implement a procedure for providing Defendant with notice of proposed subpoenas before they are served, to enable Defendant to assert challenges, if appropriate. Subpoena respondents will be expected to agree to be bound by the Protective Order. Subpoena responses are presumptively confidential, subject to further court order.
- Parties will continue to negotiate concerning the breadth of the subpoenas, and Plaintiff will notify subpoena respondents of agreed limitations. Parties will continue to negotiate concerning the costs of subpoena practice.
- Defendant will produce a Rule 30(b)(6) witness concerning corporate history and organization for deposition on 1/24/2012. Defendant will produce a second 30(b)(6) witness concerning Defendant's information technology structure, for a deposition to take place at some point between 2/06/2012 and 2/09/2012. Request for a Rule 30(b)(6) witness concerning the 32 categories of documents is at this time withdrawn without prejudice.
- The court adopts the parties' Joint Proposed Stipulation and Short Form Complaint Procedures.
- Recognizing that procedural rules accord Defendant the right to object to conditional transfer orders, the court remains reluctant to permit "direct filing," but will continue to reserve ruling on this issue pending review of the proposed Short Form complaint.
- As good faith negotiations have failed to yield agreement concerning an alternative method for document production, the parties will engage in traditional discovery mechanisms. Plaintiffs' interrogatories are at this time withdrawn without prejudice, but Defendant will provide responses, beginning no more than 21 days from now, to the Requests for Production served on Defendant last year. After initial production, the parties will meet and confer no later than 2/16/2012. Thereafter, the court expects that each side will designate

an attorney who will take lead responsibility for discovery, and that these liaison attorneys will confer no less often than once a week, by telephone or in person.

ENTER:

Dated: January 12, 2012


REBECCA R. PALLMEYER
United States District Judge